

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN DANIEL ORR,

Petitioner,

V.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:17-cv-02908-RFB-GWF

ORDER

In this habeas corpus action under 28 U.S.C. § 2254, petitioner has submitted an application to proceed in forma pauperis (ECF No. 1). The court finds that petitioner is unable to pay the filing fee.

Petitioner has filed a motion for leave to amend (ECF No. 4). The court grants the motion.

The court has reviewed the amended petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will serve the amended petition upon respondents for a response.

IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF No. 1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

IT FURTHER IS ORDERED that the motion for leave to amend (ECF No. 4) is
GRANTED. The clerk of the court shall file the amended petition.

IT FURTHER IS ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General

1 for the State of Nevada, as counsel for respondents.

2 IT FURTHER IS ORDERED that the clerk shall electronically serve upon respondents a
3 copy of the amended petition and this order. In addition, the clerk shall return to petitioner a copy
4 of the amended petition.

5 IT FURTHER IS ORDERED that respondents shall have forty-five (45) days from the date
6 on which the amended petition was served to answer or otherwise respond to the amended petition.
7 Respondents shall raise all potential affirmative defenses in the initial responsive pleading,
8 including untimeliness, lack of exhaustion, and procedural default. Successive motions to dismiss
9 will not be entertained. If respondents file and serve an answer, then they shall comply with Rule
10 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then
11 petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply.
12 If respondents file a motion, then petitioner will have fourteen (14) days to file a response to the
13 motion, and respondents will have seven (7) days from the date of filing of the response to file a
14 reply.

15 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g) paper copies
16 of any electronically filed exhibits need not be provided to chambers or to the staff attorney, unless
17 later directed by the Court.

18 DATED: July 5, 2018.

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RICHARD F. BOULWARE, II
United States District Judge

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